

Decision 04-07-017 July 8, 2004.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of California Wine Tours, Inc. for approval of the extension of the PSC authority held by California Wine Tours, Inc. in Passenger Stage Corporation Certificate 9679 to the Oakland Airport and the town of Sonoma.

Application 04-02-025
(Filed February 24, 2004)

O P I N I O N

Summary

This decision grants the application of California Wine Tours, Inc. (Applicant), a corporation, pursuant to Pub. Util. Code § 1031 et seq., to extend its certificate of public convenience and necessity to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226.

Discussion

Applicant is currently authorized, pursuant to Decision (D.) 03-08-031, to operate as a PSC transporting passengers and their baggage on a scheduled basis between Napa and Vallejo, on the one hand, and San Francisco International Airport (SFO), on the other hand. It requests authority to amend the PSC certificate to add service between Napa, Vallejo, and Sonoma, on the one hand, and Oakland International Airport (OAK), on the other hand.

Applicant states that OAK is growing and has become a major inbound and outbound airport for visitors to the Napa Valley. It believes the current popularity of OAK among travelers can be attributed to a lower level of

congestion compared to SFO and the fact that some airlines serve OAK and not SFO. Applicant is confident that there is a demand for the proposed new service.

Applicant will provide six round trips daily using its existing fleet of buses. The proposed fares to OAK are \$29 from Napa and Sonoma, and \$24 from Vallejo. Applicant's unaudited balance sheet dated March 31, 2004, discloses assets of \$4,972,000, liabilities of \$4,290,000, and equity of \$682,000.

Notice of filing of the application appeared in the Commission's Daily Calendar on March 5, 2004. Applicant notified the affected cities, counties, and airports. In Resolution ALJ 176-3130 dated March 16, 2004, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protest has been received. Given this status, public hearing is not necessary, and it is not necessary to alter the preliminary determinations made in Resolution ALJ 176-3130.

This an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Pub. Util. Code § 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Applicant is currently authorized to operate as a scheduled PSC, pursuant to D.03-08-051, to transport passengers and their baggage between Napa and Vallejo, on the one hand, and SFO, on the other hand.
2. Applicant requests authority to extend the PSC service to include operations between Sonoma, Napa, and Vallejo, on the one hand, and OAK, on the other hand.
3. Public convenience and necessity requires the proposed service.

4. No protest to the application has been filed.
5. A public hearing is not necessary.
6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Public convenience and necessity has been demonstrated and the application should be granted.
2. Since the matter is uncontested, the decision should be effective on the date it is signed.
3. Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. The certificate of public convenience and necessity (CPCN) granted to California Wine Tours, Inc. (Applicant), a corporation, authorizing it to operate as a passenger stage corporation (PSC), as defined in Pub. Util. Code § 226, to transport persons and their baggage between the points and over the routes set forth in Appendix PSC-9679 of Decision 03-08-051, is amended by replacing Original Page 3 with First Revised Page 3, subject to the conditions contained in the following paragraphs.
2. Applicant shall:
 - a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Establish the authorized service and file tariffs and timetables within 120 days after this order is effective.

- c. File tariffs on or after the effective date of this order. They shall become effective ten days or more after the effective date of this order, provided that the Commission and the public are given not less than ten days' notice.
- d. Comply with General Orders Series 101 and 158, and the California Highway Patrol (CHP) safety rules.
- e. Comply with the controlled substance and alcohol testing certification program pursuant to Pub. Util. Code § 1032.1 and General Order Series 158.
- f. Remit to the Commission the Transportation Reimbursement Fee required by Pub. Util. Code § 423 when notified by mail to do so.
- g. Comply with Pub. Util. Code §§ 460.7 and 1043, relating to the Workers' Compensation laws of this state.
- h. Enroll all drivers in the pull notice system as required by Section 1808.1 of the Vehicle Code.

3. Applicant is authorized to begin operations on the date that the Consumer Protection and Safety Division mails a notice to Applicant that its evidence of insurance and other documents required by Ordering Paragraph 2 have been filed with the Commission and that the CHP has approved the use of Applicant's vehicles for service.

4. Before beginning service to any airport, Applicant shall notify the airport's governing body. Applicant shall not operate into or on airport property unless such operations are authorized by the airport's governing body.

5. The amended CPCN to operate as PSC-9679, granted herein, expires unless exercised within 120 days after the effective date of this order.

6. The application is granted as set forth above.

7. This proceeding is closed.

This order is effective today.

Dated July 8, 2004, at San Francisco, California.

MICHAEL R. PEEVEY

President

CARL W. WOOD

LORETTA M. LYNCH

GEOFFREY F. BROWN

SUSAN P. KENNEDY

Commissioners

* SECTION II. ROUTE DESCRIPTION.

San Francisco International Airport

Commencing from any point in the Cities of Napa and Vallejo, then over the most convenient streets and highways to San Francisco International Airport.

Oakland International Airport

Commencing from any point in the Cities of Sonoma, Napa and Vallejo, then over the most convenient streets and highways to Oakland International Airport.